IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.18104 of 2004

Between:

M. S. Venkatachalam, S/o. Krishnapillai, (Hindu),
IN the Office of the VI Additional District Court, (Fast Track Court) Tirupathi, Chittoor District.

..... PETITIONER

AND

1 The Registrar (Vigilance), HIgh Court of A.P., Hyderabad.
2 The District & Sessions Judge, Chittoor, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ order or direction more particularly one in the nature of Writ of Certiorari quashing the termination notice dt. 13-9-2004 to be effected from 13-10-2004 by declaring the same as illegal, arbitrary, unconstitutional and in violation of Articles 14 and 21 of the Constitution of India and in violation of principles of natural justice and rules and regulations framed under the appointment orders and the Rules and Regulations framed under the same and without following the CCA and conduct Rules 1991 on par with the regular employees and consequently suspend the operation of the notice of termination of the service dt.13-9-2004 issued by the respondent No.2.

Counsel for the Petitioner: Mr.P.JAGADISH CHANDRA

PRASAD

Counsel for the Respondents: Smt.M.BHASKARA LAKSHMI

(SC FOR APHC)

The Court at the admission stage made the following:

ORAL ORDER: (per the Hon'ble the Chief Justice)

Petitioner's appointment was on contractual basis as Head Clerk in Fast Track Court. The contract was terminated by notice dated 13-9-2004 stating that with effect from 13-10-2004, on administrative grounds, engagement comes to an end. Challenge in the writ petition is to the said notice on the ground that as per the order of engagement dated 31-3-2001, petitioner was given to understand that he will come under the purview of C.C.A. and Conduct Rules 1991 on par with regular employees and also under the A.P.J.M.S. Rules, and he states that termination is bad in law.

Needless to add that petitioner's engagement was after superannuation from service and engagement was on contractual basis initially up to 31-3-2003, but was extended up to 31-3-2005. In case, on administrative grounds, engagement has been discontinued, it is not a case for interference on judicial side. In contractual matters, there cannot be any mandate for engagement of a person whose services are not required. Clause 7 of the order of engagement, on which reliance is placed, also states that petitioner's engagement is on contractual basis.

The writ petition is dismissed.

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(DEVINDER GUPTA, C.J.)

7th October 2004.

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(C.V.RAMULU, J.)

ARS

To

1 The Registrar (Vigilance), HIgh Court of A.P., Hyderabad.
2 The District & Sessions Judge, Chittoor, Chittoor District.

3 Two C.Cs to Mrs.M.Bhaskara Lakshmi, S.C. for High Court, High Court Bldgs., Hyderabad (OUT).

4 Two C.D. copies.